

identified patent application. Claims 24 and 25 have been cancelled. Claim 23 has been amended. Claims 27 and 28 have been added. No additional fee is due.

In the Office Action, the Examiner rejected Claims 14, 23, 24 and 26 under 35 U.S.C. §102(b) as being anticipated by Telle. In addition, Claim 25 was rejected under 35 U.S.C. §103(a) as being unpatentable over Telle.

The present invention is directed to an apparatus which monitors and provides feedback to a user of a weight stack machine having a plurality of weight plates for lifting, in order to facilitate weight and repetition tracking. The apparatus determines the weight of the weight plates being lifted by the user, by evaluating the physical properties of the lifted stack, such as the number of plates lifted, or the size of the lifted stack, and then translating the physical properties of the lifted plates into the actual weight, for example, using a look-up table. Alternatively, the actual weight lifted may be determined by using a load cell to measure the difference in the weight of the weight stack before and after a lift.

The Examiner rejected Claims 14, 23, 24 and 26 under 35 U.S.C. §102(b) as being anticipated by Telle. Telle discloses an isokinetic exercise apparatus which uses load cells 128 to directly measure the relative amount of weight supported by handles 33. In other words, the value measured by the load cells 128 is equal to the weight being lifted by the user. Telle is directed towards a "plate loaded" system in which the total weight to be lifted is loaded onto a weight bar 38 by the user in the form of weight plates prior to lifting. A direct measure of the weight that is to be lifted by the user can therefore be performed prior to, or during, the lift. The effective weight lifted by the Telle apparatus can be changed by adding additional plates to a weight bar 38, or by

advancing a drive screw mechanism to position the weight bar a specific distance away from the pivotal end.

The present invention, on the other hand, is directed to a weight stack system, in which a much larger weight (the largest potential weight for the system) is always present and available for lifting on a stack, and in which the user selects the number of plates (or amount of weight) to be lifted with a device, such as a “pin,” to select a portion of the full weight stack. Thus, in the weight stack environment of the present invention, direct measurement in this way of the weight to be lifted prior to the lift, is impossible. The load cells recited in claim 14 measure the unlifted weight, remaining on the weight stack, both before and during a lift, and use this information to indirectly derive the weight lifted by the user.

Thus, the load cells 128 of the Telle apparatus do not disclose or suggest performing two measurements “for determining the weight of said weight plates on said stack prior to said lift and for determining the weight of said weight plates remaining on said stack after said lift,” and then computing “difference data describing the weight of said one or more weight plates lifted from said stack,” as required by claim 14. The load cells 128 of the Telle apparatus only directly measure the weight to be lifted.

Claim 14 recites that the apparatus includes “one or more load cells for determining the weight of said weight plates on said stack prior to said lift and for determining the weight of said weight plates remaining on said stack after said user has lifted one or more plates during said lift.” The difference data between the two measurements is then used to determine the weight of the plates being lifted. Telle does not disclose or suggest an apparatus capable of measuring the weight of weight plates

lifted from a weight stack machine using a load cell, as required by Claim 14. Therefore, independent claim 14 is patentably distinguished from Telle.

Claim 23, as originally submitted, was directed to determining the weight of the weight plates being lifted by the user, based on “physical properties” of the lifted stack, and then translating the physical properties of the lifted plates into the actual weight, for example, using a look-up table. Claim 23 has been amended to incorporate the limitation previously recited in dependent claim 24. Thus, Claim 23, as amended, is directed to determining the weight of the weight plates being lifted by the user, based on the height of the lifted weight stack.

Since Telle is directed towards a “plate loaded” system in which weight plates are loaded horizontally onto a weight bar 38 by the user prior to lifting, the Telle apparatus cannot determine the weight being lifted, based on the height of the lifted stack. Thus, Telle does not disclose or suggest, among other things, “processing means for computing data describing the weight of said weight plates being lifted based upon said height,” as required by Claim 23 as amended. Therefore, independent claim 23 is patentably distinguished from Telle.

Likewise, new independent claim 27 is based on original Claim 23, and incorporates the limitation previously recited in dependent claim 25. New Claim 27 is directed to determining the weight of the weight plates being lifted by the user, based on the number of plates lifted. Telle does not disclose or suggest any mechanism for “evaluating the number of lifted weight plates,” as required by Claim 27. Therefore, independent claim 27 is patentably distinguished from Telle. New claim 27 has been added to more particularly point out and distinctly claim various features of the invention,

consistent with the scope of the originally filed specification, in order to give applicants the protection to which they are entitled. No new matter has been introduced.

Dependent Claims 24 through 26 were rejected under 35 U.S.C. §§102 or 103 as being unpatentable over Telle. Claims 24 and 25 have been cancelled and are replaced by corresponding independent claims 23 and 27, respectively, as discussed above. Claim 26 is dependent on Claim 23, and is therefore patentably distinguished over Telle because of its dependency from amended independent claim 23, as well as other elements this claim adds in combination to its base claim. Likewise, new claim 28 is dependent on Claim 27, and is therefore patentably distinguished over Telle because of its dependency from new independent claim 27, as well as other elements this claim adds in combination to its base claim.

In view of the foregoing, the invention, as claimed in Claims 14, 23, and 26 through 28, cannot be said to be either taught or suggested by Telle. Accordingly, applicants respectfully request that the rejection of claims 14, 23, and 26 through 28 under 35 U.S.C. §§ 102 or 103 be withdrawn.

All of the pending claims, i.e., claims 14, 23, and 26 through 28, are in condition for allowance and such favorable action is earnestly solicited.

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

The Examiner's attention to this matter is appreciated.

Respectfully submitted,

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